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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 VERNON HARRIS,

10 Plaintiff,

11 vs.

12 SUPERIOR COURT OF THE STATE OF
13 ARIZONA IN AND FOR THE COUNTY
OF MARICOPA; et al.,

14 Defendants.
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No. CIV 02-0494-PHX-SMM

ORDER

16 Pending before the Court is Plaintiff Vernon Harris's Motion Asking Court to Review
17 Taxation of Costs and Motion Asking Court to Order Defendants to Pay for of Offset Costs of
18 Certain Deposition Transcripts Pursuant to the Court's Order of September 22, 2005. (Dkt.
19 339.) The Court will deny both motions without prejudice to refile at the proper time and
20 with the proper authority.

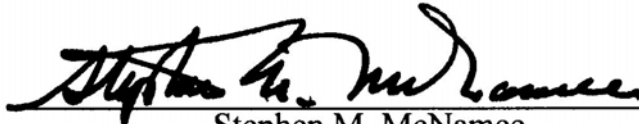
21 Pursuant to Fed.R.Civ.P. 54(d)(1), Plaintiff files a motion requesting the Court to review
22 the action of the Clerk of Court in taxing costs. (Dkt. 339 at 1.) As Plaintiff notes, however,
23 the Clerk has not yet taxed costs. (Id.) Therefore, Plaintiff's request is denied as premature.
24 See Fed.R.Civ.P. 54(d)(1) (action of clerk may be reviewed by court on motion "served within
25 5 days" after costs are taxed by clerk). If dissatisfied with the action of the Clerk, Plaintiff may
26 move for review of that action at the proper time. Id.

27 Plaintiff also seeks an order requiring Defendants to pay for the costs of certain
28 deposition transcripts "pursuant to the Court's Order of September 22, 2005 or to offset those

1 costs against any costs assessed against plaintiff.” (Dkt. 339 at 1-2.) The Court has carefully
2 reviewed the docket entries, and finds no such Order by the Court. Accordingly, Plaintiff’s
3 request is denied without prejudice to Plaintiff submitting proper authority in support thereof.

4 **IT IS HEREBY ORDERED DENYING WITHOUT PREJUDICE TO REFILEING**
5 Plaintiff’s Motion Asking Court to Review Taxation of Costs and Motion Asking Court to
6 Order Defendants to Pay for of Offset Costs of Certain Deposition Transcripts Pursuant to the
7 Court’s Order of September 22, 2005. (Dkt. 339.)

8 DATED this 26th day of July, 2006.

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11 Stephen M. McNamee
12 United States District Judge
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